

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

HARVEY LYNN MOOSBERG,)	CIVIL NO. 17-00176 DKW-RLP
)	
Plaintiff,)	FINDINGS AND RECOMMENDATION TO
)	DISMISS THIS ACTION WITHOUT
vs.)	PREJUDICE
)	
UNIVERSITY OF HAWAII AT)	
MANOA, ET AL.,)	
)	
Defendants.)	

FINDINGS AND RECOMMENDATION TO
DISMISS THIS ACTION WITHOUT PREJUDICE¹

On August 16, 2017, this Court issued a Deficiency Notice and Order Regarding Service of Defendants. ECF No. 6. In that order, the Court gave notice to Plaintiffs that he must serve his Complaint on Defendants no later than September 15, 2017, and that failure to do so may result in dismissal of this action for failure to prosecute or otherwise follow a court order. See Fed. R. Civ. P. 41(b); Fed. R. Civ. P. 4(m); see also In re Sheehan, 253 F.3d 507, 513 (9th Cir. 2001) (stating that the court has broad discretion under Rule 4(m) to extend the time for service or to dismiss the action without prejudice).

Plaintiff has not filed a return of service indicating

¹ Within fourteen days after a party is served with a copy of the Findings and Recommendation, that party may, pursuant to 28 U.S.C. § 636(b)(1), file written objections in the United States District Court. A party must file any objections within the fourteen-day period allowed if that party wants to have appellate review of the Findings and Recommendation. If no objections are filed, no appellate review will be allowed.

that he effected service. Based on the docket, Plaintiff has not effected service of the Complaint or Summons as required under Rule 4(c) of the Federal Rules of Civil Procedure. Accordingly, the Court FINDS AND RECOMMENDS that this case be dismissed without prejudice pursuant to Federal Rule of Civil Procedure 4(m).

IT IS SO FOUND AND RECOMMENDED.

DATED AT HONOLULU, HAWAII, SEPTEMBER 21, 2017.




Richard L. Puglisi
United States Magistrate Judge

MOOSBERG V. UNIVERSITY OF HAWAII AT MANOA, ET AL.; CIVIL NO. 17-00176 DKW-RLP; FINDINGS AND RECOMMENDATION TO DISMISS THIS ACTION WITHOUT PREJUDICE